

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**
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In re:

03-MDL-1570 (GBD)(SN)

**TERRORIST ATTACKS ON
SEPTEMBER 11, 2001**
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**Prior, Gerard John, as Personal
Representative of the Estate of Kevin M.
Prior**

**Pruim, Kathryn S., as Personal
Representative of the Estate of David L.
Pruim**

**Reich, Elizabeth Kane, as Personal
Representative of the Estate of Joan C.
Kane**

**Reich, Elizabeth Kane, as Personal
Representative of the Estate of Vincent
D. Kane, Jr.**

**Reich, Elizabeth Kane, as Personal
Representative of the Estate of Vincent
D. Kane, Sr.**

Roman, Francine Michelle

**Russo, Arthur, as Personal
Representative of the Estate of Wayne
A. Russo**

**Santoro, Alberto A., as Personal
Representative of the Estate of Mario L.
Santoro**

**Segura, Silveria as Personal
Representative of the Estate of Juan G.
Salas, Deceased**

**Simon, Shelley, as Personal
Representative of the Estate of Paul J.
Simon**

Soudant, Elizabeth A.

**Soudant, Elizabeth A., as Personal
Representative of the Estate of Gregory
E. Rodriguez**

Springer, Eugene R.

**Springer, Eugene R. as Personal
Representative of the Estate of Lucy
Fishman, Deceased**

Springer, Jason

Steed, Jacqueline Yvonne

Stewart, Eamon P.D.

Stewart, Francisco

**Stewart, Richard W., as Personal
Representative of the Estate of Daniel E.
Stewart**

**Stuart, Mari Glick, as Personal
Representative of the Estate of Steven L.
Glick**

**Suarez, Sally Ann, as Personal
Representative of the Estate of
Benjamin Suarez**

**Sutcliffe, Margaret, as Personal
Representative of the Estate of Robert
Sutcliffe**

**Talty, Barbara, as Personal
Representative of the Estate of Paul
Talty**

Talty, John Paul

**Tam, Jin Ark, as Personal
Representative of the Estate of Maurita
Tam**

**Thompson, Patricia Ann, as Personal
Representative of the Estate of Philip
Haentzler**

**Tipaldi, Richard, as Personal
Representative of the Estate of Robert
Frank Tipaldi**

Torea, Judith Ann

**Torea, Judith Ann, as Personal
Representative of the Estate of Harvey
Joseph Gardner, III**

**Traore, Hadidjatou, as Personal
Representative of the Estate of Abdoul
Karim Traore**

**Turcios, Victor M., as Personal
Representative of the Estate of Sigrid
Charlotte Wiswe**

Varriano, Madeline

**Varriano, Madeline, as Personal
Representative of the Estate of Frank
Varriano**

Vigiano, Ariana

Vigiano, Nicolette

**Washington, Keisha, as Personal
Representative of the Estate of Derrick
Christopher Washington**

**Waters, Janice, as Personal
Representative of the Estate of Patrick
J. Waters**

**Williams, Murna T., as Personal
Representative of the Estate of Louie
Anthony Williams**

Yamnicky, Jennifer Lynn

Yamnicky, Jr., John David

**Yamnicky, Jr., John David, as Personal
Representative of the Estate of John
David Yamnicky, Sr.**

Yamnicky, Mark S.

**Yarrow, Tina R., as Personal
Representative of the Estate of Stephen
V. Long**

**Yuen, Edwin H., as Personal
Representative of the Estate of Cindy
Yanzhu Guan**

**Zaccaria, Karen as Personal
Representative of the Estate of Debra L.
Gibbon, Deceased**

Plaintiff(s),

19-CV-44 (GBD)(SN)

-against-

ISLAMIC REPUBLIC OF IRAN,

**IRAN SHORT FORM
COMPLAINT AND DEMAND
FOR TRIAL BY JURY**

Defendant.

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Plaintiffs named herein by and through the undersigned counsel file this Short Form Complaint against Defendant, the Islamic Republic of Iran (“Iran”), arising out of the September 11, 2001 terrorist attacks (“September 11, 2001 Terrorist Attacks”), as permitted and approved by the Court’s Order of July 10, 2018, ECF No. 4045. Each Plaintiff incorporates by reference the specific allegations, as indicated below, of (a) the Federal Insurance and Ashton Plaintiffs’ Amended Consolidated Complaint Against Defendant, the Islamic Republic of Iran, ECF No.

3237, or (b) the Amended Complaint, Burnett v. Islamic Republic of Iran, No. 15-CV-9903 (GBD)(SN) (S.D.N.Y. Feb. 8, 2016), ECF No. 53.

Upon filing this Iran Short Form Complaint, each Plaintiff is deemed to have adopted all factual and jurisdictional allegations of the complaint that has been joined as specified below; all causes of action contained within that complaint; all prior filings in connection with that complaint; and all prior Orders and rulings of the Court in connection with that complaint.

Additionally, each Plaintiff incorporates the factual allegations and findings contained in those pleadings and orders filed at Havlish v. Bin Laden, No. 1:03-CV-9848 (GBD)(SN) (S.D.N.Y.), ECF Nos. 363, 294, 295; In re Terrorist Attacks on September 11, 2001, 03-MDL-1570 (GBD)(SN) (S.D.N.Y.), ECF Nos. 2430, 2431, 2432, 2433, 2473, 2515, 2516; and evidence submitted at the proceedings before the Honorable George B. Daniels on December 15, 2011 (ECF No. 2540).

VENUE

1. Venue in this district is proper pursuant to 28 U.S.C. §§ 1391(b)(2) and 1391(f)(1), as a substantial part of the events giving rise to the claims asserted herein occurred in this district. Venue is also proper in this district pursuant to 18 U.S.C. § 2334(a).

JURISDICTION

2. Jurisdiction against the Islamic Republic of Iran is premised on the grounds set forth in the complaints specified below, including but not limited to 28 U.S.C. § 1605(a) (tort exception to the Foreign Sovereign Immunities Act), 28 U.S.C. § 1605A (terrorism exception to the Foreign Sovereign Immunities Act), and 28 U.S.C. § 1605B (Justice Against Sponsors of Terrorism Act).

CAUSES OF ACTION

3. Each Plaintiff hereby adopts and incorporates herein by reference all factual allegations, jurisdictional allegations, and jury trial demand, including all causes of action against the Islamic Republic of Iran, as set forth in the following complaint [**check only one complaint**]:

- ☐ Federal Insurance and Ashton Plaintiffs' Amended Consolidated Complaint Against Defendant, the Islamic republic of Iran, ECF No. 3237
- ☒ Amended Complaint, Burnett v. Islamic Republic of Iran, No. 15-CV-9903 (GBD)(SN) (S.D.N.Y. Feb. 8, 2016), ECF No. 53

4. In addition, each Plaintiff hereby asserts the following additional causes of action:

- ☒ Iran Short Form Complaint First Cause of Action to Recover Wrongful Death Damages Pursuant to 28 U.S.C. § 1605B (the Justice Against Sponsors of Terrorism Act or JASTA) and 18 U.S.C. § 2333 *et seq.* (the Anti-Terrorism Act or ATA)

As a factual basis for this cause of action, Plaintiff(s) allege that the allegations set forth in the complaint noted above, as well as the allegations set forth in the Havlish filings noted above, establish that, as set forth herein, the injuries they suffered arose from the September 11, 2001 Terrorist Attacks; Defendant's role in the September 11, 2001 Terrorist Attacks constituted acts of international terrorism that violated state and federal laws pursuant to 18 U.S.C. § 2331; that the September 11, 2001 Terrorist Attacks constituted acts of international terrorism committed, planned or authorized by an organization that had been designated as a foreign terrorist organization under 8 U.S.C. § 1189; that the September 11, 2001 Terrorist Attacks violated state and federal laws pursuant to 18 U.S.C. § 2331; and that Defendant aided and abetted, by knowingly providing substantial assistance, with others and/or conspired with others who committed an act or acts of international terrorism in violation of 18 U.S.C. § 2333 *et seq.*

- ☒ Iran Short Form Complaint First Cause of Action to Recover Personal Injury Damages Pursuant to 28 U.S.C. § 1605B (the Justice Against Sponsors of Terrorism Act or JASTA) and 18 U.S.C. § 2333 *et seq.* (the Anti-Terrorism Act or ATA)

As a factual basis for this cause of action, Plaintiff(s) allege that the allegations set forth in the complaint noted above, as well as the allegations set forth in the Havlish filings noted above, establish that, as set forth herein, the injuries they suffered arose from the September 11, 2001 Terrorist Attacks; Defendant's role in the September 11, 2001 Terrorist Attacks constituted acts of international terrorism that violated state and federal laws pursuant to 18 U.S.C. § 2331; that the September 11, 2001 Terrorist Attacks constituted acts of international terrorism committed, planned or authorized by an organization that had been designated as a foreign terrorist organization under 8 U.S.C. § 1189; that the September 11, 2001 Terrorist

Attacks violated state and federal laws pursuant to 18 U.S.C. § 2331; and that Defendant aided and abetted, by knowingly providing substantial assistance, with others and/or conspired with others who committed an act or acts of international terrorism in violation of 18 U.S.C. § 2333 *et seq.*

IDENTIFICATION OF PLAINTIFFS

5. The following allegations and information are alleged on behalf of each individual who is bringing this claim, as indicated on Appendix 1 to this Iran Short Form Complaint, herein referred to as “Plaintiffs.”

- a. The citizenship/nationality of each Plaintiff is indicated at Appendix 1 to this Iran Short Form Complaint.
- b. Plaintiff is entitled to recover damages on the causes of action set forth in the complaint identified above, as joined by this Iran Short Form Complaint, and as further asserted within this Iran Short Form Complaint.
- c. As indicated at Appendix 1, Plaintiff (i) is the estate representative of someone who was killed as a result of the September 11, 2001 Terrorist Attacks; (ii) is the surviving immediate family member of someone who was killed as a result of the September 11, 2001 Terrorist Attacks; and/or (iii) suffered physical injuries as a result of the September 11, 2001 Terrorist Attacks.
- d. For those Plaintiffs with personal injury claims, as indicated in Appendix 1, on or after September 11, 2001, said Plaintiff was present at the Pentagon and/or the World Trade Center site and/or its surroundings and/or lower Manhattan and/or at an area wherein he/she was exposed to toxins as a result of the terrorist attacks and was exposed to toxins from the attacks, and/or was otherwise injured, and/or as otherwise alleged, as stated specifically in Appendix 1.
- e. For those Plaintiffs with personal injury and/or wrongful death claims, as indicated in Appendix 1, as a direct, proximate and foreseeable result of Defendant’s actions or inactions, Plaintiff or his or her decedent suffered bodily injury and/or death, and consequently economic and other losses, including but not limited to pain and suffering, emotional distress, psychological injuries, and loss of enjoyment of life, and/or as described in the Iran Short Form Complaint, and/or as otherwise may be specified in subsequent discovery proceedings, and/or as otherwise alleged in Appendix 1.

- f. The name, relationship to the injured and/or deceased September 11 victim, residency, citizenship/nationality, and the general nature of the claim for each Plaintiff asserting wrongful death and/or solatium claims is listed on the attached Appendix 1, and is incorporated herein as allegations, with all allegations of the related complaints, as specified above, deemed alleged as to each Plaintiff.

IDENTIFICATION OF THE DEFENDANT

5. The only Defendant named in this Iran Short Form Complaint is the Islamic Republic of Iran.

NO WAIVER OF OTHER CLAIMS

6. By filing this Iran Short Form Complaint, Plaintiffs are not waiving any right to file suit against any other potential defendants or parties.

7. By filing this Iran Short Form Complaint, Plaintiffs are not opting out of any class that the Court may certify in the future.

JURY DEMAND

8. Each Plaintiff hereby demands a trial by jury as to the claims in this action.

WHEREFORE, Plaintiffs pray for relief and judgment against Defendant as set forth in this Iran Short Form Complaint as appropriate.

Dated: January 2, 2019

Respectfully submitted,

/s/ Robert T. Haefele

Jodi Westbrook Flowers, Esq.

Donald A. Migliori, Esq.

Michael Elsner, Esq. (NY Bar #ME8337)

Robert T. Haefele, Esq. (NY Bar #RH2811)

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COUNSEL FOR PLAINTIFFS

APPENDIX 1

Each line below is deemed an allegation, incorporating the allegations, language, and references within the Saudi Arabia Short Form Complaint to which this Appendix 1 is appended and shall be referenced as Allegation 1 of Appendix 1 to the Saudi Arabia Short Form Complaint, Allegation 2 of Appendix 1 to the Saudi Arabia Short Form Complaint, etc.

Plaintiff's Last Name, First Name	Plaintiff's State of Residency at Filing	Last Name, First Name of 9/11 Decedent (wrongful death and solatium cases)	Plaintiff's Relationship to 9/11 Decedent	Plaintiff Citizenship	9/11 Decedent's Citizenship/Nationality on 9/11/01	Nature of Claim
Prior, Gerard John, as Personal Representative of the Estate of Kevin M. Prior	NY	Prior, Kevin M.	Personal Representative	U.S.	U.S.	WD
Pruim, Kathryn S., as Personal Representative of the Estate of David L. Pruum	FL	Pruim, David L.	Personal Representative	U.S.	U.S.	WD
Reich, Elizabeth Kane, as Personal Representative of the Estate of Joan C. Kane	NY	Kane, Jr., Vincent D.	Parent	U.S.	U.S.	Solatium
Reich, Elizabeth Kane, as Personal Representative of the Estate of Vincent D. Kane, Jr.	NY	Kane, Jr., Vincent D.	Personal Representative	U.S.	U.S.	WD
Reich, Elizabeth Kane, as Personal Representative of the Estate of Vincent D. Kane, Sr.	NY	Kane, Jr., Vincent D.	Parent	U.S.	U.S.	Solatium
Roman, Francine Michelle	OH	Laurencin, Charles Augustus	Child	U.S.	U.S.	Solatium
Russo, Arthur, as Personal Representative of the Estate of Wayne A. Russo	NJ	Russo, Wayne A.	Personal Representative	U.S.	U.S.	WD
Santoro, Alberto A., as Personal Representative of the Estate of Mario L. Santoro	SC	Santoro, Mario L.	Personal Representative	U.S.	U.S.	WD
Segura, Silveria as Personal Representative of the Estate of Juan G. Salas, Deceased	NY	Salas, Juan G.	Personal Representative	U.S.	U.S.	WD

Simon, Shelley, as Personal Representative of the Estate of Paul J. Simon	FL	Simon, Paul J.	Personal Representative	U.S.	U.S.	WD
Soudant, Elizabeth A.	NY	Rodriguez, Gregory E.	Spouse	U.S.	U.S.	Solatium
Soudant, Elizabeth A., as Personal Representative of the Estate of Gregory E. Rodriguez	NY	Rodriguez, Gregory E.	Personal Representative	U.S.	U.S.	WD
Springer, Eugene R.	NY	Fishman, Lucy	Spouse	U.S.	U.S.	Solatium
Springer, Eugene R. as Personal Representative of the Estate of Lucy Fishman, Deceased	NY	Fishman, Lucy	Personal Representative	U.S.	U.S.	WD
Springer, Jason	NY	Fishman, Lucy	Child	U.S.	U.S.	Solatium
Steed, Jacqueline Yvonne	NY	Laurencin, Charles Augustus	Step-Child	U.S.	U.S.	Solatium
Stewart, Eamon P.D.	NJ	Stewart, Michael James	Child	U.S.	U.S.	Solatium
Stewart, Francisco	NJ	Stewart, Michael James	Child	U.S.	U.S.	Solatium
Stewart, Richard W., as Personal Representative of the Estate of Daniel E. Stewart	NY	Stewart, Daniel E.	Personal Representative	U.S.	U.S.	WD
Stuart, Mari Glick, as Personal Representative of the Estate of Steven L. Glick	CT	Glick, Steven L.	Personal Representative	U.S.	U.S.	WD
Suarez, Sally Ann, as Personal Representative of the Estate of Benjamin Suarez	FL	Suarez, Benjamin	Personal Representative	U.S.	U.S.	WD
Sutcliffe, Margaret, as Personal Representative of the Estate of Robert Sutcliffe	NJ	Sutcliffe, Robert	Personal Representative	U.S.	U.S.	WD
Talty, Barbara, as Personal Representative of the Estate of Paul Talty	NY	Talty, Paul	Personal Representative	U.S.	U.S.	WD
Talty, John Paul	NY	Paul Talty	Sibling	U.S.	U.S.	Solatium
Tam, Jin Ark, as Personal Representative of the Estate of Maurita Tam	NY	Tam, Maurita	Personal Representative	U.S.	U.S.	WD
Thompson, Patricia Ann, as Personal Representative of the Estate of Philip Haentzler	NY	Haentzler, Philip	Personal Representative	U.S.	U.S.	WD
Tipaldi, Richard, as Personal Representative of the Estate of Robert Frank Tipaldi	NJ	Tipaldi, Robert Frank	Personal Representative	U.S.	U.S.	WD
Torea, Judith Ann	NJ	Gardner, III, Harvey Joseph	Parent	U.S.	U.S.	Solatium
Torea, Judith Ann, as Personal Representative of the Estate of Harvey Joseph Gardner, III	NJ	Gardner, III, Harvey Joseph	Personal Representative	U.S.	U.S.	WD

Traore, Hadidjatou, as Personal Representative of the Estate of Abdoul Karim Traore	NY	Traore, Abdoul Karim	Personal Representative	U.S.	U.S.	WD
Turcios, Victor M., as Personal Representative of the Estate of Sigrid Charlotte Wiswe	PA	Wiswe, Sigrid Charlotte	Personal Representative	Germany	Germany	WD
Varriano, Madeline	NY	Varriano, Frank	Spouse	U.S.	U.S.	Solatium
Varriano, Madeline, as Personal Representative of the Estate of Frank Varriano	NY	Varriano, Frank	Personal Representative	U.S.	U.S.	WD
Vigiano, Ariana	NY	Vigiano, II, John Thomas	Child	U.S.	U.S.	Solatium
Vigiano, Nicolette	NY	Vigiano, II, John Thomas	Child	U.S.	U.S.	Solatium
Washington, Keisha, as Personal Representative of the Estate of Derrick Christopher Washington	NY	Washington, Derrick Christopher	Personal Representative	U.S.	U.S.	WD
Waters, Janice, as Personal Representative of the Estate of Patrick J. Waters	NY	Waters, Patrick J.	Personal Representative	U.S.	U.S.	WD
Williams, Murna T., as Personal Representative of the Estate of Louie Anthony Williams	NV	Williams, Louie Anthony	Personal Representative	U.S.	U.S.	WD
Yamnicky, Jennifer Lynn	MD	Yamnicky, Sr., John David	Child	U.S.	U.S.	Solatium
Yamnicky, Jr., John David	VA	Yamnicky, Sr., John David	Child	U.S.	U.S.	Solatium
Yamnicky, Jr., John David, as Personal Representative of the Estate of John David Yamnicky, Sr.	VA	Yamnicky, Sr., John David	Personal Representative	U.S.	U.S.	WD
Yamnicky, Mark S.	CA	Yamnicky, Sr., John David	Child	U.S.	U.S.	Solatium
Yarrow, Tina R., as Personal Representative of the Estate of Stephen V. Long	SC	Long, Stephen V.	Personal Representative	U.S.	U.S.	WD
Yuen, Edwin H., as Personal Representative of the Estate of Cindy Yanzhu Guan	NY	Guan, Cindy Yanzhu	Personal Representative	U.S.	U.S.	WD
Zaccaria, Karen as Personal Representative of the Estate of Debra L. Gibbon, Deceased	NJ	Gibbon, Debra L.	Personal Representative	U.S.	U.S.	WD